

REMARKS

Claims 41 and 43-45 are active. The limitations of claim 42 have been merged into claim 41. Claims 20, 21, 40 and 42 have been cancelled. No new matter has been added. Entry and favorable consideration of this amendment and allowance of this application are respectfully requested.

The Applicants thank Examiner Lewis for the courteous and helpful interview of October 9, 2007. Ways to avoid the rejections of record were discussed. The Examiner agreed to enter an after-final Amendment if it only incorporate existing dependent claim limitations into the corresponding independent claim, e.g., the limitations of claim 42 into claim 41.

Rejection—35 U.S.C. §103

Claims 21, 40 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kundel, U.S. Patent No. 5,480,717, in view of Nielsen, WO 02/05737. This rejection is moot for claims 21 and 40 which have been cancelled. Claim 41 now incorporates the limitations of claim 42 which was not subject to this rejection. Thus, this rejection may now be withdrawn.

Rejection—35 U.S.C. §103

Claims 42-45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kundel, U.S. Patent No. 5,480,717, in view of Nielsen, WO 02/05737, and further in view of Caskey, U.S. Patent Application 2004/0127826. The Applicants respectfully request that this rejection be withdrawn since Caskey does not disclose or suggest a gel or the volatile plant oils now required by claim 41.

Caskey only discloses honey compositions containing plant extracts “to facilitate wound healing” or to “augment the performance of the honey” [0086, 0103]. Caskey generally refers to “aromatic acids” at [0103}, but this is a general term for acids containing one or more benzene rings and does not specifically refer to volatile or “aromatic” (“having a strong distinctive fragrance”) plant extracts. Even if the plant additives of Caskey are interpreted as overlapping the aromatic compounds of the invention (see e.g., Claim 37), there is no suggestion in any of the cited art to add these components to a hydrogel or to a breathable pad, nor to add such plant extracts without also adding honey. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

Rejection—35 U.S.C. §103

Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kundel, U.S. Patent No. 5,480,717, in view of Nielsen, WO 02/05737, as applied to claim 21 and further in view of Czech, et al., U.S. Patent No. 5,336,501. This rejection is moot.

Conclusion

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. An early notification of such allowance is earnestly requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

A handwritten signature in cursive script, reading "Thomas M. Cunningham", is written over a horizontal line.

Thomas M. Cunningham, Ph.D.
Registration No. 45,394

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)